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UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re

Case No. 23-62260-dwh11

Van's Aircraft, Inc.,

**DEBTOR'S RESPONSE TO EARLE M.
JORGENSEN CO.'S MOTION FOR
ALLOWANCE OF ADMINISTRATIVE
CLAIM UNDER 503(b)(9)**

Debtor.

Vans Aircraft, Inc. ("Debtor") does not object to the allowance of an 11 USC § 503(b)(9) administrative expense claim for Earl M. Jorgenson in the amount of \$5,750. Debtor does object to payment of that claim prior to the Effective Date of a plan of reorganization.

The general rule is that administrative expense claims are not payable until the Effective Date of a confirmed plan of reorganization. 11 USC §§ 1129(a)(9) and 1191(a). There is nothing in the Bankruptcy Code that requires payment of 503(b)(9) claims prior to that date. Payment to holders of prepetition 503(b)(9) claims ahead of other administrative expense claims, including those incurred postpetition which have and continue to contribute to the ongoing successful reorganization of the case, would not be appropriate nor aid the reorganization process. There is no reason the 503(b)(9) claim of Earl M. Jorgenson Co. should be paid early in this case.

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ALLOWANCE OF ADMINISTRATIVE CLAIM UNDER 503(b)(9)**

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Wherefore, Debtor proposes that an order be entered allowing the 503(b)(9) claim of Earl M. Jorgenson Co. in the amount of \$5,750, with payment to be made on the Effective Date of the plan of reorganization.

DATED: February 13, 2024.

TONKON TORP LLP

By /s/ Timothy J. Conway

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